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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,140	09/09/2003	Ed H. Frank	14178US02	3008
23446	7590	02/08/2005	EXAMINER	
MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			NGUYEN, VAN KIM T	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/658,140

Applicant(s)

FRANK ET AL.

Examiner

Van Kim T. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on September 09, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 11, and 21 recite the limitation "said second access point" on line 9, 11, and 9, respectively. There is insufficient antecedent basis for this limitation in the claims.

Claim 25 recites the limitation "one processor" on line 2, 3, 4, and 5. There is insufficient antecedent basis for this limitation in the claim.

Further, claims 3 and 6-10, as disclosed, are inconsistent with claim 1.

It is not clear whether the second messaging protocol message is received from the second switch as recited in claim 3 (lines 1-2), or from at least one of the first access point and the first switch as recited in claim 1 (lines 5-7).

It is not clear whether the first messaging protocol message is communicated between the first switch and the second switch as recited in claims 6-7, and 9-10, or between the first access point to the first switch as recited in claim 8, or between the first access point and a first switch as recited in claim 1 (lines 5-7).

Similarly, claims 13 and 16-20, as disclosed, are inconsistent with claim 11.

Similarly, claims 23 and 28-32, as disclosed, are inconsistent with claim 21

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 4-5, 8, 11-12, 14-15, 18, 21-22, 26-27, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Rauhala (US 6,611,547).

Regarding claims 1, 11, and 21, as shown in Figure 1, Rauhala discloses a method for providing communication in a hybrid wired/wireless local area network, the method comprising:

sending a first messaging protocol message (signaling messages SETUP) between a first switch (10) and a first access point (BTS1), (col. 5: line 65 – col. 6: line 6);

responsive to the first messaging protocol message, receiving at least a second messaging protocol message (connection establishment signaling) from at least one of the first access point (BTS1) and the first switch (col. 6: lines 9-19); and

controlling at least one of the first switch (10), the first access point (BTS1), the second access point (BTS2), and at least one of a plurality of access devices (MS) using the second messaging protocol message (e.g., command BTS2 sending cells to MS over connection 13 established by BTS1), (col. 6: lines 15-26).

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Though Rauhala does not specifically call for a second switch, but Rauhala discloses a virtual connection 14 over the ATM switch and the ATM network to another party, inherently another (second) switch (col. 5: lines 32-34).

Regarding claims 2, 12, and 22, Rauhala also discloses generating the first messaging protocol message (signaling message SETUP) by the first switch (col. 5: line 65 – col. 6: line 1).

Regarding claims 4, 14, and 26, Rauhala also discloses at least one of the first message protocol messages (signaling message SETUP) is an access point status message communicated between the first switch (10) and one of the first access point (BTS1), the second access point (BTS2), and the second switch (col. 5: line 63 – col. 6: line 6).

Regarding claims 5, 15, and 27, Rauhala also discloses at least one of the first messaging protocol messages (signaling message SETUP) is at least one access point configuration message (having an end point address BTS2) communicated from at least one of the first switch (10) to at least one of the first access point (BTS1) and the second access point (BTS2), (col. 5: line 63 – col. 6: line 6).

Regarding claims 8, 18, and 30, Rauhala also discloses at least one of the third messaging protocol messages (response signaling) is at least one client status message communicated from at least one of the first access point (BTS1) and the second access point (BTS2), to at least one of the first switch (10) and the second switch (response signaling from BTS2 is transmitted via BTS1 to switch 10; col. 6: lines 20-21).

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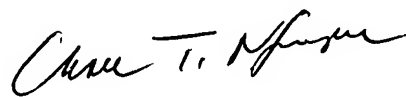
*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen, can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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vkn  
February 4, 2005



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